

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANTONINO A. COELHO,

Plaintiff,

v.

ALLIANCE MORTGAGE BANKING
CORP. , et al.,

Defendants.

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Civil Action No. 06-2039 (SRC)

OPINION & ORDER

CHESLER, U.S.D.J.

This matter comes before the Court by the September 27, 2007 letter by Plaintiff Antonino A. Coelho (“Plaintiff”) explaining the terms of a June 4, 2007 settlement between Mr. Coelho and Defendant Alliance Mortgage Banking Corporation (“Defendant”) [docket item #38]. The Court will treat Plaintiff’s letter as a motion to enforce. Defendant has not filed opposition to the motion, instead, its counsel filed a request for permission to file an application to withdraw as counsel due to Defendant’s non-payment of legal bills and refusal to discuss the merits of the case [docket item #39]. The Court has considered Plaintiff’s submission in support of this motion, and, pursuant to Federal Rule of Civil Procedure 78, rules on the motion based on the papers submitted. For the reasons that follow, the Court grants Plaintiff’s motion.

The underlying issue in this case stems from a dispute over a mortgage refinancing transaction relating to the property Plaintiff owns at 1232 Wheatsheaf Road, in Roselle, New Jersey. On June 4, 2007, Plaintiff and Defendant reached a settlement agreement (“the

agreement”) by which Defendant would pay Plaintiff \$10,000 within a specified time period in exchange for Plaintiff dismissing all claims against Defendant with prejudice. [See docket item #29]. After Defendant failed to comply with the terms of the agreement, on July 31, 2007, the Court granted the parties an additional 90 days to consummate the settlement [docket item #33]. Despite the extension in time, Defendant again failed to comply with the terms of the agreement. Accordingly,

IT IS on this 24th day of October, 2007

ORDERED that the Plaintiff’s motion to enforce judgment against Defendant (docket item #38) is **GRANTED**.

/s Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge